

REMARKS

Claims 1 and 3-20 are currently pending. Claim 1 has been amended to include the subject matter of claim 2 and claims 3, 4 and 5 have been amended for clarity. Claim 2 has been canceled. Support for new claims 6-20 may be found in the specification as originally filed, for example, page 3, lines 2-3 (claims 6 and 17), page 3, lines 3-11 (claims 7 and 18), page 3, lines 12-16 (claims 8 and 19), page 4, line 11 (claim 9), page 4, line 17 (claim 10), page 5, line 4 (claim 11), page 5, line 23 (claim 12), page 6, line 7 (claim 13), page 6, line 13 (claim 14), page 6, line 19 (claim 15), original claim 2 (claim 16), and page 1, line 9 (claim 20).

I. The Rejection Based on Kosaka et al.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as allegedly being clearly anticipated by Japanese Patent Publication JP 2004162195, abstract (hereinafter Kosaka).

The earliest date that Kosaka is available as prior art under 35 USC 102(a) is June 10, 2004. The instant application is based on PCT Application PCT/JP04/08705, filed June 15, 2004. Applicants also claim benefit to foreign priority document JP2003/273918, filed July 14, 2003.

Enclosed is a translation of Applicants' Japanese priority document JP2003/273918.

In view of the above, Applicant respectfully requests that the rejection under 35 U.S.C. §103 be withdrawn.

II. The Rejection Based on Fujimoto et al.

Claims 3-5 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Fujimoto et al., 6,692,671 B2 (Fujimoto).

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Fujimoto and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

The Examiner states that Fujimoto discloses a method of manufacturing filaments containing poly(trimethylene terephthalate) filaments, said method comprising melt-spinning the polymer at temperatures from 250 to 290°C, per claim 3, extruding the monofilaments in the draw zone at a temperature of from 30 to 200°C, per claim 5, and wherein the draw ratio is 1.3 to 4, as required by claim 4.

The Examiner also states that the preamble language of the claims “manufacturing artificial hair” and “artificial hair manufacturing method” has not been given patentable weight because this language is drawn to the intended use of the filaments.

Applicants respectfully submit that the preamble of claims 3-5 should be give patentable weight as “breathing life and meaning” into the claim. See MPEP 2111.02. Further, independent claim 3 has been amended to positively state in the body of the claim combining the artificial artificial-hair filaments to form artificial hair.

For the above reasons, it is respectfully submitted that the subject matter of claims 3-5 is neither taught by nor made obvious from the disclosures of Fujimoto and it is requested that the rejection under 35 U.S.C. §102 be reconsidered and withdrawn.

Application No.: 10/564,054
Art Unit: 1794

Amendment Under 37 C.F.R. §1.111
Attorney Docket No.: 072760

III. Conclusion

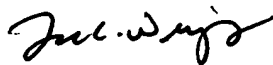
In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. §102 and the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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